

Decision 13-10-075

October 31, 2013

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's Own Motion into the Operations and Practices of Live OaksSprings Water & Power Company (U390W), and its Owner/Operator, Nazar B. Najor; Notice of Opportunity for Hearing; and Order to Show Cause Why the Commission Should not Petition the San Diego County Superior Court for a Receiver to Assume Possession and Operation of the Live Oaks Springs Water & Power Company pursuant to the California Public Utilities Code section 855. Other Named Respondents include City National Bank, Live Oak Holding, LLC, a Nevada Limited Liability Company; Matthew Semmer, Receiver for City National Bank.

Investigation 12-08-004
(Filed August 2, 2012)

(Appendix A contains the list of respondents to this Investigation, as modified and corrected by Decision 13-03-010.)

ORDER DENYING REHEARING
OF DECISION 13-07-036

Nazar Najor, Daniel Najor, Ramsey Najor, Lauren Najor, Live Oak Springs Water Company, Live Oak Holding, LLC, and Live Oak Enterprises, LLC timely filed an application for rehearing of Decision (D.) 13-07-036.¹ D.13-07-036 is a modified presiding officer's decision ("MPOD") in Investigation (I.) 12-08-004. D.13-07-036 authorizes and directs the Commission's Legal Division to commence proceedings in the

¹ All citations to Commission decisions follow the form for non-published decisions and informally refer to the Commission's decision number as found in the official pdf versions which are available on the Commission's website at: <http://docs.cpuc.ca.gov/cyberdocs/Libraries/WEBPUB/Common?decSearchDsp.asp>.

Superior Court of San Diego County for appointment of a receiver to take possession of and operate Live Oak Springs Water Company (“Live Oak”), pursuant to Public Utilities Code section 855. Once a receiver for Live Oak is appointed by the superior court, D.13-07-036 directs the receiver to expeditiously obtain the services of a licensed land surveyor to prepare and record, in the San Diego Recorder’s Office, a record of survey delineating Live Oak water utility real property. In addition, D.13-07-036 also voids the collateralization of Live Oak public utility property used to collateralize a loan between Live Oak Holding, LLC and 1st Pacific Bank of California. The applicants for rehearing have also requested a stay of D.13-07-036.

We have thoroughly considered each and every of the allegations and other arguments in the application for rehearing and are of the opinion that good cause does not exist for granting rehearing in this matter. Further, there is no good cause for granting the request for a stay of D.13-07-036.

THEREFORE, IT IS HEREBY ORDERED that:

1. The application for rehearing of Decision 13-07-036 filed by Nazar Najor, Daniel Najor, Ramsey Najor, Lauren Najor, Live Oak Springs Water Company, Live Oak Holding, LLC, and Live Oak Enterprises, LLC, is denied.
2. The request for stay of Decision 13-07-036 is denied.
3. Today’s order shall be served upon the list of respondents to Investigation 12-08-004, as modified and corrected in D.13-03-030.
4. Investigation 12-08-004 is closed.

This order is effective today.

Dated October 31, 2013, at San Francisco, California.

MICHAEL R. PEEVEY
President
MICHEL PETER FLORIO
CATHERINE J.K. SANDOVAL
MARK J. FERRON
CARLA J. PETERMAN
Commissioners

APPENDIX A

NAMED RESPONDENTS
AS MODIFIED BY DECISION 13-03-010

ENTITY RESPONDENTS

City National Bank

Live Oak Enterprises, LLC

Live Oak Holding, LLC

Live Oak Management Company

Live Oak Springs Water Company

INDIVIDUAL RESPONDENTS

Nazar E. Najor

Daniel B. Najor

Ramsey Najor

Lauren Najor

(END OF APPENDIX A)